

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04-cv-12558

Robert J. Harrington, et al

v.

Delta Air Lines, Inc., et al

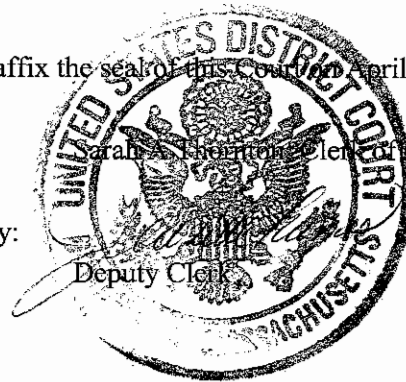
CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered: 1-105


and contained in Volume(s) I - II are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/6/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 7, 2006.

By:



Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/10/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-12558-NMG**

Harrington et al v. Delta Airlines, Inc. et al
Assigned to: Judge Nathaniel M. Gorton
Cause: 28:1330 Breach of Contract

Date Filed: 12/06/2004
Jury Demand: Both
Nature of Suit: 190 Contract:
Other
Jurisdiction: Federal Question

Plaintiff

Robert J. Harrington

represented by **Evans J. Carter**
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LEAD ATTORNEY
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Plaintiff

Faye Byron

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Plaintiff

Craig Buck

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Valerie L. Pawson

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Plaintiff

Ray Drasnin

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Plaintiff

Wanda Mills

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Plaintiff

Jeff Golumbuk

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Plaintiff

Caroline Marshall-Smith

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Plaintiff

Anesia Kalaitzidis

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Plaintiff

Kenneth Ivanovitz

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Plaintiff

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Plaintiff

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Plaintiff

Jenniece Tsouvrakas

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V.

Defendant

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TERMINATED: 10/18/2005

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Defendant

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Michael S. Shin
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Defendant

US Airways Group, Inc.

Defendant

Northwest Airlines
TERMINATED: 10/18/2005

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Michael S. Shin
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Defendant

United Airlines, Inc.

Defendant

Alaska Airlines

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Defendant

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Michael S. Shin
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Defendant

Air Canada

Defendant

**China Eastern Airlines
Corporation Limited**

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Defendant

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Defendant

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d/b/a Lufthansa Airlines

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Defendant

**Swiss International Airlines,
LTD**
d/b/a SwissAir

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Defendant

British Airways, PLC
d/b/a British Airways

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Defendant

Midway Airlines Corp.
d/b/a Midways Airlines

Defendant

**Alitalia-Linee Aeree Italiane
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d/b/a Alitalia Airlines

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Defendant

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d/b/a Southwest Airlines

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Defendant

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Kathleen M. Guilfoyle

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Defendant

Air Transport Association

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ATTORNEY TO BE NOTICED

Michael S. Shin
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Defendant

Aer Lingus Limited

represented by **Kevin C. Cain**
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ATTORNEY TO BE NOTICED

Defendant

Airlines Reporting Corp.

represented by **Airlines Reporting Corp.**
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PRO SE

Matthew A. Porter
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Defendant

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Administration**

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Interested Party

U.S. Attorney's Office

Interested Party

Department of Justice, The

Date Filed	#	Docket Text
12/06/2004	<u>91</u>	NOTICE OF REMOVAL by Air Canada, Air Transport Association, Alaska Airlines, Alitalia-Linee Aeree Italiane S.p.A., American Airlines, British Airways, PLC, China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Continental Airlines, Inc., Delta Airlines, Inc., Deutsche Luftansa AG, Midway Airlines Corp., Northwest Airlines, Olympic Airways-Services, SA, Southwest Airlines, Co., Swiss International Airlines, LTD, US Airways Group, Inc., United Airlines, Inc. from Middlesex Superior Court, case number 04-4410. \$ 150, receipt number 60583, filed by Air Canada, Air Transport Association, Alaska Airlines, Alitalia-Linee Aeree Italiane S.p.A., American Airlines, British Airways, PLC, China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Continental Airlines, Inc., Delta Airlines, Inc., Deutsche Luftansa AG, Midway Airlines Corp., Northwest Airlines, Olympic Airways-Services, SA, Southwest Airlines, Co., Swiss International Airlines, LTD, US Airways Group, Inc., United Airlines, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Civil Cover Sheet # <u>3</u> Affidavit In Support of Removal) (Barrette, Mark) (Entered: 12/08/2004)
12/08/2004	<u>92</u>	NOTICE of Additional Grounds for Removal by Air Canada, Air Transport Association, Alaska Airlines, Alitalia-Linee Aeree Italiane S.p.A., American Airlines, British Airways, PLC, China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Continental Airlines, Inc., Delta Airlines, Inc., Deutsche Luftansa AG, Midway Airlines Corp., Northwest Airlines, Olympic Airways-Services, SA, Southwest Airlines, Co., Swiss International Airlines, LTD, US Airways Group, Inc., United Airlines, Inc. re <u>1</u> Notice of Removal,,,, (Barrette, Mark) (Entered: 12/16/2004)
12/23/2004	<u>93</u>	STATE COURT Record Alitalia-Linee Aeree Italiane S.p.A. served on 11/16/2004, answer due 12/6/2004.. (Attachments: #

		1 State Record Part 2)(Nicewicz, Craig) (Entered: 12/28/2004)
12/29/2004	<u>04</u>	NOTICE of Appearance by Matthew A. Porter and Michael S. Shin on behalf of Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association (Barrette, Mark) (Entered: 01/05/2005)
12/29/2004	<u>05</u>	CORPORATE DISCLOSURE STATEMENT by Continental Airlines, Inc. (Barrette, Mark) (Entered: 01/06/2005)
12/29/2004	<u>06</u>	CORPORATE DISCLOSURE STATEMENT by Delta Airlines, Inc. (Barrette, Mark) (Entered: 01/06/2005)
12/29/2004	<u>07</u>	CORPORATE DISCLOSURE STATEMENT by Northwest Airlines. (Barrette, Mark) (Entered: 01/06/2005)
12/29/2004	<u>08</u>	CORPORATE DISCLOSURE STATEMENT by Southwest Airlines, Co. (Barrette, Mark) (Entered: 01/06/2005)
12/29/2004	<u>09</u>	CORPORATE DISCLOSURE STATEMENT by Alaska Airlines. (Barrette, Mark) (Entered: 01/06/2005)
12/29/2004	<u>10</u>	CORPORATE DISCLOSURE STATEMENT by American Airlines. (Barrette, Mark) (Entered: 01/06/2005)
01/05/2005	<u>0</u>	***Attorney Michael S. Shin for Northwest Airlines; Alaska Airlines; Continental Airlines, Inc.; Southwest Airlines, Co.; Delta Airlines, Inc. and American Airlines added. Duplicate attorney with incomplete bar admission was added originally. Parties now linked to correct attorney record. (Costello, Helen) (Entered: 03/02/2005)
01/14/2005	<u>11</u>	CORPORATE DISCLOSURE STATEMENT by Olympic Airways-Services, SA. (Howe, Christopher) (Entered: 01/14/2005)
01/14/2005	<u>12</u>	ANSWER to Complaint by Olympic Airways-Services, SA. (Howe, Christopher) (Entered: 01/14/2005)
01/18/2005	<u>18</u>	CORPORATE DISCLOSURE STATEMENT by Alitalia-Linee Aeree Italiane S.p.A. (Barrette, Mark) (Entered: 01/25/2005)
01/25/2005	<u>13</u>	NOTICE of Appearance by Kathleen M. Guilfoyle on behalf of China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited (Guilfoyle, Kathleen) (Entered: 01/25/2005)

01/25/2005	<u>14</u>	ANSWER to Complaint by China Eastern Airlines Corporation Limited.(Guilfoyle, Kathleen) (Entered: 01/25/2005)
01/25/2005	<u>15</u>	ANSWER to Complaint by China Southern Airlines Company Limited.(Guilfoyle, Kathleen) (Entered: 01/25/2005)
01/25/2005	<u>16</u>	CORPORATE DISCLOSURE STATEMENT by China Southern Airlines Company Limited. (Guilfoyle, Kathleen) (Entered: 01/25/2005)
01/25/2005	<u>17</u>	CORPORATE DISCLOSURE STATEMENT by China Eastern Airlines Corporation Limited. (Guilfoyle, Kathleen) (Entered: 01/25/2005)
01/25/2005	<u>29</u>	SUMMONS Returned Executed Deutsche Luftansa AG served on 1/20/2005, answer due 2/9/2005. (Barrette, Mark) (Entered: 02/01/2005)
01/26/2005	<u>19</u>	CERTIFICATE OF SERVICE by China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited. (Guilfoyle, Kathleen) (Entered: 01/26/2005)
01/31/2005	<u>20</u>	MOTION to Dismiss for Lack of Jurisdiction by Air Transport Association.(Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>21</u>	MEMORANDUM in Support re <u>20</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association. (Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>22</u>	AFFIDAVIT of David A. Berg in Support re <u>20</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association. (Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>23</u>	MOTION to Dismiss <i>Pursuant to Fed.R.Civ.P. 12(b)(6)</i> by Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association.(Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>24</u>	MEMORANDUM in Support re <u>23</u> MOTION to Dismiss <i>Pursuant to Fed.R.Civ.P. 12(b)(6)</i> filed by Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association. (Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>25</u>	MOTION to Dismiss for Lack of Jurisdiction by Alaska

		Airlines.(Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction filed by Alaska Airlines. (Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>27</u>	AFFIDAVIT of Michael L. Cornell in Support re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction filed by Alaska Airlines. (Porter, Matthew) (Entered: 01/31/2005)
01/31/2005	<u>28</u>	AFFIDAVIT of Carla Weiler in Support re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction filed by Alaska Airlines. (Porter, Matthew) (Entered: 01/31/2005)
02/08/2005	<u>30</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by Thomas J. Whalen by China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Swiss International Airlines, LTD. (Attachments: # <u>1</u> Affidavit Whalen)(Guilfoyle, Kathleen) (Entered: 02/08/2005)
02/08/2005	<u>31</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by Andrew J. Harakas by Olympic Airways-Services, SA. (Attachments: # <u>1</u> Affidavit Harakas)(Guilfoyle, Kathleen) (Entered: 02/08/2005)
02/08/2005	<u>32</u>	ANSWER to Complaint by Alitalia-Linee Aeree Italiane S.p.A..(Barrette, Mark) (Entered: 02/09/2005)
02/09/2005	<u>33</u>	ANSWER to Complaint with Jury Demand by British Airways, PLC.(Barrette, Mark) (Entered: 02/15/2005)
02/10/2005	<u>34</u>	NOTICE of Appearance by Daniel M Esrick on behalf of Deutsche Luftansa AG (Barrette, Mark) (Entered: 02/15/2005)
02/10/2005	<u>35</u>	MOTION to Dismiss Pursuant to Fed. R. Civ. P. 12(b) by Deutsche Luftansa AG.(Barrette, Mark) (Entered: 02/15/2005)
02/10/2005	<u>37</u>	MEMORANDUM in Support re <u>35</u> MOTION to Dismiss filed by Deutsche Luftansa AG. (Attachments: # <u>1</u> Exhibit A) (Barrette, Mark) (Entered: 02/15/2005)
02/10/2005	<u>38</u>	CORPORATE DISCLOSURE STATEMENT by Deutsche Luftansa AG. (Barrette, Mark) (Entered: 02/15/2005)
02/15/2005	<u>3</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>30</u> Motion for Leave to Appear Pro Hac Vice Added Thomas J. Whalen for Swiss International Airlines, LTD; China Eastern Airlines Corporation Limited and China

		Southern Airlines Company Limited, Andrew J. Harakas for Olympic Airways-Services, SA, granting <u>31</u> Motion for Leave to Appear Pro Hac Vice Added Thomas J. Whalen for Swiss International Airlines, LTD; China Eastern Airlines Corporation Limited and China Southern Airlines Company Limited, Andrew J. Harakas for Olympic Airways-Services, SA (Barrette, Mark) (Entered: 02/15/2005)
02/15/2005	<u>36</u>	MOTION for Extension of Time to February 25, 2005 to File Response/Reply as to <u>25</u> MOTION to Dismiss for Lack of Jurisdiction, <u>20</u> MOTION to Dismiss for Lack of Jurisdiction, <u>23</u> MOTION to Dismiss <i>Pursuant to Fed.R.Civ.P. 12(b)(6)</i> by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvrakas, Robert J. Harrington, Faye Byron, Craig Buck, Valerie L. Pawson.(Carter, Evans) (Entered: 02/15/2005)
02/15/2005	<u>39</u>	NOTICE of Appearance by Michael Lawrence Cornell on behalf of Alaska Airlines (Cornell, Michael) (Entered: 02/15/2005)
02/16/2005	<u>41</u>	MOTION for Leave to Appear Pro Hac Vice by Thomas Carulli, Peter W. Beadle and Eugene Massamillo by Alitalia-Linee Aeree Italiane S.p.A.. (Attachments: # <u>1</u> Certification of Thomas Carulli# <u>2</u> Certification of Peter W. Beadle# <u>3</u> Certification of Eugene Massamillo)(Barrette, Mark) (Entered: 02/25/2005)
02/18/2005	<u>40</u>	CERTIFICATE OF CONSULTATION re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction <i>Local Rule 7.1(A)(2) Certificate</i> by Michael Lawrence Cornell on behalf of Alaska Airlines. (Cornell, Michael) (Entered: 02/18/2005)
02/23/2005		Filing fee: \$ 150, receipt number 62294 regarding Pro Hac Vice Motion (Barrette, Mark) (Entered: 02/25/2005)
03/03/2005	<u>42</u>	Opposition re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction, <u>20</u> MOTION to Dismiss for Lack of Jurisdiction, <u>23</u> MOTION to Dismiss <i>Pursuant to Fed.R.Civ.P. 12(b)(6)</i> , <u>35</u> MOTION to Dismiss filed by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvrakas, Robert

		J. Harrington, Faye Byron, Craig Buck, Valerie L. Pawson. (Attachments: # <u>1</u> Exhibit (Exhibits A through K))(Carter, Evans) (Entered: 03/03/2005)
03/03/2005	<u>43</u>	MOTION for Extension of Time to March 4, 2005 to File Plaintiffs' Opposition to Defendants' Four Motions to Dismiss <i>and to File a Memorandum in Excess of 20 Pages</i> by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvras, Robert J. Harrington, Faye Byron, Craig Buck, Valerie L. Pawson.(Carter, Evans) (Entered: 03/03/2005)
03/30/2005	<u>44</u>	STIPULATION <i>Concerning the Schedule for Amending the Complaint and Filing Responsive Pleadings Thereto</i> by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvras, Delta Airlines, Inc., American Airlines, Northwest Airlines, Robert J. Harrington, Alaska Airlines, Continental Airlines, Inc., China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Deutsche Luftansa AG, British Airways, PLC, Faye Byron, Alitalia-Linee Aeree Italiane S.p.A., Southwest Airlines, Co., Olympic Airways-Services, SA, Air Transport Association, Craig Buck, Valerie L. Pawson. (Porter, Matthew) (Entered: 03/30/2005)
04/12/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>36</u> Motion for Extension of Time to File Response/Reply, granting <u>41</u> Motion for Leave to Appear Pro Hac Vice Added Thomas Carulli for Alitalia-Linee Aeree Italiane S.p.A., Peter W. Beadle for Alitalia-Linee Aeree Italiane S.p.A., Eugene Massamillo for Alitalia-Linee Aeree Italiane S.p.A., granting <u>43</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 04/12/2005)
04/12/2005	<u>45</u>	NOTICE of Scheduling Conference Scheduling Conference set for 9/23/2005 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 04/12/2005)
04/28/2005		Judge Nathaniel M. Gorton : Electronic ENDORSED ORDER allowing stipulation <u>44</u> , amended complaint due on or before 5/31/05, answered by 7/15/05, so ordered. A scheduling

		conference has been set in this matter for 9/23/05 at 3:00 p.m. (Nicewicz, Craig) (Entered: 04/28/2005)
05/31/2005	46	AMENDED COMPLAINT <i>Jury Clai and Request for Class Certification</i> against Aer Lingus Limited, Airlines Reporting Corp., Federal Aviation Administration, Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Deutsche Luftansa AG, British Airways, PLC, Alitalia-Linee Aeree Italiane S.p.A., Southwest Airlines, Co., Olympic Airways-Services, SA, filed by Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Athanase Karagiorgos, Kenneth Micciche, Jennie Tsouvrakas, Craig Buck, Valerie L. Pawson.(Carter, Evans) (Entered: 05/31/2005)
06/10/2005	47	SUMMONS Returned Executed Aer Lingus Limited served on 6/6/2005, answer due 6/27/2005. (Elefther, Elizabeth) (Entered: 06/13/2005)
06/28/2005	48	STIPULATION <i>Extending the Time Within Which Defendant Aer Lingus Limited May Answer, Move or Otherwise Respond to the Amended Complaint</i> by Aer Lingus Limited. (Naughton, Edward) (Entered: 06/28/2005)
07/07/2005	49	SUMMONS Returned Executed Federal Aviation Administration served on 6/23/2005, answer due 7/13/2005. (Carter, Evans) (Entered: 07/07/2005)
07/07/2005	50	SUMMONS Returned Executed Airlines Reporting Corp. served on 6/27/2005, answer due 7/18/2005. (Carter, Evans) (Entered: 07/07/2005)
07/07/2005	51	SUMMONS Returned Executed Department of Justice, The served on 6/23/2005, answer due 7/13/2005. (Carter, Evans) (Entered: 07/07/2005)
07/07/2005	52	SUMMONS Returned Executed U.S. Attorney's Office served on 6/20/2005, answer due 7/11/2005. (Carter, Evans) (Entered: 07/07/2005)
07/08/2005	53	NOTICE of Appearance by Kevin C. Cain on behalf of Aer Lingus Limited (Cain, Kevin) (Entered: 07/08/2005)
07/11/2005	54	Assented to MOTION for Extension of Time to July 29, 2005 to Answer, Move to Dismiss, or Otherwise Respond to Plaintiffs' Amended Complaint by Deutsche Luftansa AG.

		(Esrick, Daniel) (Entered: 07/11/2005)
07/15/2005	<u>55</u>	ANSWER to Amended Complaint by Olympic Airways-Services, SA.(Guilfoyle, Kathleen) (Entered: 07/15/2005)
07/15/2005	<u>56</u>	ANSWER to Amended Complaint by China Southern Airlines Company Limited.(Guilfoyle, Kathleen) (Entered: 07/15/2005)
07/15/2005	<u>57</u>	ANSWER to Amended Complaint by China Eastern Airlines Corporation Limited.(Guilfoyle, Kathleen) (Entered: 07/15/2005)
07/15/2005	<u>58</u>	MOTION for Leave to Appear Pro Hac Vice by David Ogden and Ethan G. Shenkman by Deutsche Luftansa AG. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Esrick, Daniel) (Entered: 07/15/2005)
07/15/2005	<u>59</u>	MOTION to Dismiss <i>Amended Complaint</i> by Airlines Reporting Corp., Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association.(Porter, Matthew) (Entered: 07/15/2005)
07/15/2005	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Airlines Reporting Corp., Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association. (Porter, Matthew) (Entered: 07/15/2005)
07/15/2005	<u>61</u>	Assented to MOTION for Leave to File Excess Pages <i>In Support of Their Motion to Dismiss</i> by Airlines Reporting Corp., Delta Airlines, Inc., American Airlines, Northwest Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association.(Porter, Matthew) (Entered: 07/15/2005)
07/15/2005	<u>62</u>	MOTION to Dismiss for Lack of Jurisdiction by Air Transport Association.(Porter, Matthew) (Entered: 07/15/2005)
07/15/2005	<u>63</u>	MEMORANDUM in Support re <u>62</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association. (Porter, Matthew) (Entered: 07/15/2005)
07/15/2005	<u>64</u>	AFFIDAVIT of David A. Berg in Support re <u>62</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association. (Porter, Matthew) (Entered: 07/15/2005)

07/18/2005	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>58</u> Motion for Leave to Appear Pro Hac Vice Added David Ogden for Deutsche Luftansa AG, Ethan G. Shenkman for Deutsche Luftansa AG, granting <u>61</u> Motion for Leave to File Excess Pages (Nicewicz, Craig) (Entered: 07/18/2005)
07/18/2005	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>54</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 07/18/2005)
07/18/2005	●	Filing fee: \$ 100, receipt number 65624 regarding Pro Hac Vice for David Ogden and Ethan G Shenkman. (Elefther, Elizabeth) (Entered: 07/18/2005)
07/28/2005	● <u>65</u>	NOTICE of Appearance by Anita Johnson on behalf of Federal Aviation Administration (Johnson, Anita) (Entered: 07/28/2005)
07/29/2005	● <u>66</u>	MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> by Aer Lingus Limited.(Cain, Kevin) (Entered: 07/29/2005)
07/29/2005	● <u>67</u>	MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> by Alitalia-Linee Aeree Italiane S.p.A..(Cain, Kevin) (Entered: 07/29/2005)
07/29/2005	● <u>68</u>	MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> by British Airways, PLC.(Cain, Kevin) (Entered: 07/29/2005)
07/29/2005	● <u>69</u>	MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> by Deutsche Luftansa AG.(Esrick, Daniel) (Entered: 07/29/2005)
07/29/2005	● <u>70</u>	MEMORANDUM in Support re <u>69</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> filed by Deutsche Luftansa AG. (Esrick, Daniel) (Entered: 07/29/2005)
08/09/2005	● <u>71</u>	MOTION for Extension of Time to September 13, 2005 to File Answer re <u>46</u> Amended Complaint,, (<i>unopposed</i>) by Federal Aviation Administration.(Johnson, Anita) (Entered: 08/09/2005)
08/15/2005	● <u>72</u>	Judge Nathaniel M. Gorton : ORDER entered. Motions terminated: Denying as MOOT <u>25</u> MOTION to Dismiss for Lack of Jurisdiction filed by Alaska Airlines,, Denying as MOOT <u>20</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association,, Granting <u>71</u> MOTION for Extension of Time to September 13, 2005 to File Answer re <u>46</u> Amended Complaint,, (<i>unopposed</i>) filed by Federal Aviation

		Administration,, Denying as MOOT <u>23</u> MOTION to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) filed by Continental Airlines, Inc., Delta Airlines, Inc., American Airlines,, Southwest Airlines, Co., Northwest Airlines,, Alaska Airlines,, Air Transport Association,, Denying as MOOT <u>35</u> MOTION to Dismiss filed by Deutsche Luftansa AG., (Nicewicz, Craig) (Entered: 08/16/2005)
08/24/2005	<u>73</u>	NOTICE by Alitalia-Linee Aeree Italiane S.p.A. of Consent to Change Attorneys (Cain, Kevin) (Entered: 08/24/2005)
08/24/2005	<u>74</u>	NOTICE by Alitalia-Linee Aeree Italiane S.p.A. of Substitution of Counsel (Cain, Kevin) (Entered: 08/24/2005)
09/02/2005	<u>75</u>	Second MOTION for Extension of Time to September 30, 2005 to File Answer re <u>46</u> Amended Complaint,, (Unopposed) by Federal Aviation Administration.(Johnson, Anita) (Entered: 09/02/2005)
09/08/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>75</u> Motion for Extension of Time to Answer Federal Aviation Administration answer due 9/30/2005. (Nicewicz, Craig) (Entered: 09/08/2005)
09/13/2005		NOTICE OF RESCHEDULING Scheduling Conference set for 11/3/2005 03:30 PM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 09/13/2005)
09/16/2005	<u>76</u>	SUGGESTION OF BANKRUPTCY Upon the Record as to Delta Air Lines, Inc. and Notice of Automatic Stay by Delta Airlines, Inc.. (Porter, Matthew) (Entered: 09/16/2005)
09/16/2005	<u>77</u>	MOTION for Leave to File a Memorandum in Excess of 20 Pages and to Extend the time for Filing by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jennie Tsouvrakas, Robert J. Harrington, Faye Byron, Craig Buck, Valerie L. Pawson.(Carter, Evans) (Entered: 09/16/2005)
09/16/2005	<u>78</u>	NOTICE of Change of Address by Evans J. Carter NOTICE OF CHANGE OF FIRM NAME AND MAILING ADDRESS FOR PLAINTIFFS' COUNSEL (Carter, Evans) (Entered: 09/16/2005)
09/19/2005	<u>79</u>	SUGGESTION OF BANKRUPTCY Upon the Record as to Northwest Airlines, Inc. And Notice of Automatic Stay by

		Northwest Airlines. (Porter, Matthew) (Entered: 09/19/2005)
09/21/2005	<u>80</u>	MOTION to Dismiss for Lack of Jurisdiction by China Eastern Airlines Corporation Limited. (Attachments: # (2) Affidavit re Motion to Dismiss)(Howe, Christopher) Modified on 9/23/2005 (Elefther, Elizabeth). (Entered: 09/21/2005)
09/23/2005	<u>81</u>	MEMORANDUM in Support re <u>80</u> MOTION to Dismiss for Lack of Jurisdiction filed by China Eastern Airlines Corporation Limited. (Elefther, Elizabeth) (Entered: 09/23/2005)
09/23/2005		Notice of correction to docket made by Court staff. Correction: Docket No. 80 corrected because Memorandum in Support of Motion was attached to Docket No. 80 instead of being a separate event. (Elefther, Elizabeth) (Entered: 09/23/2005)
09/30/2005	<u>82</u>	MOTION to Dismiss for Lack of Jurisdiction by China Southern Airlines Company Limited.(Guilfoyle, Kathleen) (Entered: 09/30/2005)
09/30/2005	<u>83</u>	MEMORANDUM in Support re <u>82</u> MOTION to Dismiss for Lack of Jurisdiction filed by China Southern Airlines Company Limited. (Attachments: # <u>1</u> Affidavit)(Guilfoyle, Kathleen) (Entered: 09/30/2005)
09/30/2005	<u>84</u>	MOTION to Dismiss by Federal Aviation Administration. (Elefther, Elizabeth) (Entered: 10/03/2005)
09/30/2005	<u>85</u>	MEMORANDUM in Support re <u>84</u> MOTION to Dismiss filed by Federal Aviation Administration. (Attachments: # <u>1</u> Exhibit a# <u>2</u> Exhibit b# <u>3</u> Exhibit c)(Elefther, Elizabeth) (Entered: 10/03/2005)
10/11/2005	<u>86</u>	<i>Letter to the Court</i> Letter/request (non-motion) from Counsel. (Esrick, Daniel) (Entered: 10/11/2005)
10/15/2005	<u>87</u>	MOTION for Leave to File Excess Pages, Second MOTION for Extension of Time to 10/15/2005 to File Response/Reply to <i>6 Defendants' Motions to Dismiss</i> by Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Athanase Karagiorgos, Kenneth Micciche, Jennie Tsouvrakas, Craig Buck, Valerie L. Pawson.(Carter, Evans) (Entered: 10/15/2005)
10/15/2005	<u>88</u>	MEMORANDUM in Opposition re <u>59</u> MOTION to Dismiss <i>Amended Complaint</i> , <u>69</u> MOTION to Dismiss <i>Plaintiffs'</i>

		<i>Amended Complaint, 62 MOTION to Dismiss for Lack of Jurisdiction, 66 MOTION to Dismiss the Plaintiffs' Amended Complaint, 67 MOTION to Dismiss the Plaintiffs' Amended Complaint, 68 MOTION to Dismiss the Plaintiffs' Amended Complaint</i> filed by Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Athanase Karagiorgos, Kenneth Micciche, Jenniee Tsouvrakas, Craig Buck, Valerie L. Pawson. (Carter, Evans) (Entered: 10/15/2005)
10/17/2005	●	Judge Nathaniel M. Gorton : ElectronicORDER entered finding as moot <u>77</u> Motion for Leave to File, granting <u>87</u> Motion for Leave to File Excess Pages, granting <u>87</u> Motion for Extension of Time to File Response/Reply re <u>62</u> MOTION to Dismiss for Lack of Jurisdiction, <u>66</u> MOTION to Dismiss the Plaintiffs' Amended Complaint, <u>67</u> MOTION to Dismiss the Plaintiffs' Amended Complaint, <u>68</u> MOTION to Dismiss the Plaintiffs' Amended Complaint, <u>69</u> MOTION to Dismiss Plaintiffs' Amended Complaint, <u>59</u> MOTION to Dismiss Amended Complaint (Nicewicz, Craig) (Entered: 10/17/2005)
10/18/2005	●89	NOTICE of Voluntary Dismissal by all plaintiffs (Carter, Evans) (Entered: 10/18/2005)
10/27/2005	●90	Joint MOTION to Continue <i>Scheduling Conference</i> by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Aer Lingus Limited, Airlines Reporting Corp., Federal Aviation Administration, U.S. Attorney's Office, Department of Justice, The, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvrakas, American Airlines, Robert J. Harrington, Alaska Airlines, Continental Airlines, Inc., China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited, Deutsche Luftansa AG, British Airways, PLC, Faye Byron, Alitalia-Linee Aeree Italiane S.p.A., Southwest Airlines, Co., Olympic Airways-Services, SA, Air Transport Association, Craig Buck, Valerie L. Pawson.(Porter, Matthew) (Entered: 10/27/2005)
11/01/2005	●	Judge Nathaniel M. Gorton : ElectronicORDER entered granting <u>90</u> Motion to Continue scheduling conference. (Nicewicz, Craig) (Entered: 11/01/2005)
12/08/2005	●91	Supplemental Opposition re <u>80</u> MOTION to Dismiss for Lack of Jurisdiction, <u>59</u> MOTION to Dismiss <i>Amended Complaint</i> , <u>69</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> , <u>82</u>

		MOTION to Dismiss for Lack of Jurisdiction, <u>61</u> Assented to MOTION for Leave to File Excess Pages <i>In Support of Their Motion to Dismiss</i> , <u>62</u> MOTION to Dismiss for Lack of Jurisdiction, <u>84</u> MOTION to Dismiss, <u>66</u> MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> , <u>67</u> MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> , <u>68</u> MOTION to Dismiss <i>the Plaintiffs' Amended Complaint</i> PLAINTIFFS' NOTICE OF NEW CASE TO BE ADDED TO THEIR OPPOSITIONS TO THE MOTIONS TO DISMISS filed by Craig Buck. (Attachments: # <u>1</u> Exhibit U.S. Court of Appeals Decision) (Carter, Evans) (Entered: 12/08/2005)
12/14/2005	<u>92</u>	REPLY to Response to Motion re <u>59</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Airlines Reporting Corp., American Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association. (Porter, Matthew) (Entered: 12/14/2005)
12/14/2005	<u>93</u>	REPLY to Response to Motion re <u>62</u> MOTION to Dismiss for Lack of Jurisdiction filed by Air Transport Association. (Porter, Matthew) (Entered: 12/14/2005)
12/14/2005	<u>94</u>	MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Dismiss the Amended Complaint</i> by Air Transport Association.(Porter, Matthew) (Entered: 12/14/2005)
12/14/2005	<u>95</u>	MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Dismiss Amended Complaint</i> by Airlines Reporting Corp., American Airlines, Alaska Airlines, Continental Airlines, Inc., Southwest Airlines, Co., Air Transport Association.(Porter, Matthew) (Entered: 12/14/2005)
12/14/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>94</u> Motion for Leave to File, granting <u>95</u> Motion for Leave to File (Nicewicz, Craig) (Entered: 12/14/2005)
12/21/2005	<u>96</u>	MOTION for Leave to File a Reply to Plaintiffs' Combined Opposition to Defendants' Motions to Dismiss by Deutsche Luftansa AG.(Sonnenberg, Elizabeth) (Entered: 12/21/2005)
01/09/2006	<u>97</u>	Opposition re <u>80</u> MOTION to Dismiss for Lack of Jurisdiction, <u>82</u> MOTION to Dismiss for Lack of Jurisdiction filed by Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvrakas, Faye Byron, Craig Buck,

		Valerie L. Pawson. (Attachments: # <u>1</u> Exhibit Exhibits A and B)(Carter, Evans) (Entered: 01/09/2006)
01/10/2006	<u>96</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>96</u> Motion for Leave to File reply. Reply due within 10 days of the allowance of this motion. Reply not to exceed 10 pages. (Nicewicz, Craig) (Entered: 01/10/2006)
01/13/2006	<u>98</u>	Reply to Plaintiffs' Combined Opposition to Defendants' Motion to Dismiss by Deutsche Luftansa AG. (Sonnenberg, Elizabeth) (Entered: 01/13/2006)
01/13/2006	<u>99</u>	Assented to MOTION for Leave to File <i>A Reply to Plaintiffs' Combined Opposition to Defendants' Motions to Dismiss</i> by China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited.(Guilfoyle, Kathleen) (Entered: 01/13/2006)
01/20/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>99</u> Motion for Leave to File. Reply due within 10 days of the allowance of this motion. Reply not to exceed 10 pages. (Nicewicz, Craig) (Entered: 01/20/2006)
02/02/2006	<u>100</u>	CORPORATE DISCLOSURE STATEMENT by China Southern Airlines Company Limited. (Guilfoyle, Kathleen) (Entered: 02/02/2006)
02/02/2006	<u>101</u>	CORPORATE DISCLOSURE STATEMENT by China Eastern Airlines Corporation Limited. (Guilfoyle, Kathleen) (Entered: 02/02/2006)
02/02/2006	<u>102</u>	REPLY to Response to Motion re <u>80</u> MOTION to Dismiss for Lack of Jurisdiction, <u>82</u> MOTION to Dismiss for Lack of Jurisdiction filed by China Eastern Airlines Corporation Limited, China Southern Airlines Company Limited. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6)(Guilfoyle, Kathleen) (Entered: 02/02/2006)
02/21/2006	<u>103</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER" In accordance with the foregoing memorandum, 1) the Motion to Dismiss of the Domestic Defendants (Docket No. 59) is ALLOWED; 2) the Motion to Dismiss of Air Transport Association of America (Docket No. 62) is ALLOWED; 3) the Motion to Dismiss of Aer Lingus (Docket No. 66) is ALLOWED; 4) the Motion to

		Dismiss of Alitalia (Docket No. 67) is ALLOWED;5) the Motion to Dismiss of British Airways (Docket No. 68) is ALLOWED;6) the Motion to Dismiss of Lufthansa (Docket No. 69) is ALLOWED;7) the Motion to Dismiss of China Eastern (Docket No. 80) is ALLOWED;8) the Motion to Dismiss of China Southern (Docket No. 82) is ALLOWED; and9) the Motion to Dismiss of the Federal Aviation Administration (Docket No. 84) is ALLOWED."(Sonnenberg, Elizabeth) Modified on 2/22/2006 (Nicewicz, Craig). (Entered: 02/21/2006)
02/22/2006	104	Judge Nathaniel M. Gorton : ORDER entered. ORDER DISMISSING CASE(Nicewicz, Craig) (Entered: 02/22/2006)
03/06/2006	105	NOTICE OF APPEAL by Ray Drasnin, Wanda Mills, Jeff Golumbuk, Caroline Marshall-Smith, Anesia Kalaitzidis, Kenneth Ivanovitz, Athanase Karagiorgos, Harriet Zalwango, Michael Blau, Kenneth Micciche, Jenniee Tsouvrakas, Robert J. Harrington, Faye Byron, Craig Buck, Valerie L. Pawson. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/27/2006. (Carter, Evans) (Entered: 03/06/2006)
03/06/2006		Filing fee: \$ 255.00, receipt number 70826 & 70825 regarding Notice of Appeal (Sonnenberg, Elizabeth) (Entered: 03/06/2006)